CUSTOMER NO.: 24498   **PATENT**
Serial No. 10/537,463   **PF020159**
Office Action dated: 10/06/09
Response dated: 11/11/09

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Remarks/Arguments

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In the Final Office Action, the Examiner stated that claims 1-10 are pending in the application and that claims 1-10 stand rejected. By this response, claims 6-10 have been cancelled and claims 1 and 4 have been amended to more clearly define the invention of the Applicant and to correct for formality errors pointed out by the Examiner.

In view of the amendments presented above and the following discussion, the Applicants respectfully submit that none of these claims 1-5 now pending in the application are anticipated under the provisions of 35 U.S.C. § 102. The Applicant further submits that all of the Applicant's claims now comply with the provisions of 35 U.S.C. § 101. Thus, the Applicants believe that all of these claims are now in allowable form.

Rejections

A.   35 U.S.C. § 101

The Examiner rejected the Applicant's claims 1-5 because the claimed invention is directed to non-statutory subject matter.

In response, the Applicant has herein amended claim 1 to be directed to statutory subject matter. As such, the Applicant submits that the basis for the Examiner's rejection of the Applicant's claims 1-5 has been removed and respectfully requests that the Examiner's rejection under 35 U.S.C. § 101 be withdrawn.

The Examiner rejected the Applicant's claims 6-10 because the claimed invention is directed to non-statutory subject matter.

In response, the Applicant has herein cancelled claims 6-10.

B.   35 U.S.C. § 102

The Examiner rejected the Applicants' claims 1-10 under 35 U.S.C. § 102(e) as being anticipated by Chadwick (U.S. Patent No. 7,149,750). The rejection is respectfully traversed.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrik Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1983)). (emphasis added). The Applicants submit that Chadwick

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fails to disclose each and every element of the Applicants' claimed invention arranged as in at least the Applicants' claim 1, which specifically recites:

> "Method for recording data, said method being implemented on a video recorder and comprising the steps of:
> - recording, using said video recorder, a data container having a given container length;
> - recording, using said video recorder, a key indicative of a back-pointer;
> - recording, using said video recorder, a length indicator; and
> - recording, using said video recorder, a value indicative of the container length."

The Examiner cites the Chadwick reference, col. 5, lines 31-35, as disclosing storing of a pointer in the essence archive which the Examiner assumes as anticipating the claimed "recording a key indicative of a back-pointer". The Applicants respectfully disagree. According to Chadwick, essence is extracted from the essence field in the MXF file (Chadwick: col. 5, l. 22-24). In response to a call including the extracted essence or a pointer thereto (Chadwick: Fig. 6, block 216, and col. 5, l. 31-33) the archive manager stores the essence (Chadwick: Fig. 6, block 242, and col. 5, l. 31-32).

The Applicants submit that, nowhere does Chadwick mention or suggest storage of said "pointer thereto". Furthermore, Chadwick remains completely silent regarding recording of any key indicative of a pointer. Particularly, no recording of a key indicative of a back-pointer is mentioned in Chadwick. As depicted in fig. 6 of Chadwick, said call in block 216 which may include said "pointer thereto" takes place prior to extraction of KLV metadata objects from the MXF file in block 220. Prior to said call, only universal media identifier (UMID) is determined from KLV metadata (Chadwick: Fig. 6, block 214).

Further, the Examiner alleges that the claimed "recording a value indicative of the container length" is anticipated by Chadwick in col. 1,lines 26-32, and col. 3, lines 63-65. The Applicants respectfully disagree. The Applicants submit that what is disclosed by Chadwick is the Key, Length, Value (KLV) coding scheme where each KLV object includes "a length field indicating a length of a value". That is, "the length field indicates the data length of the value". What data may be contained in the data field is specified by Chadwick only as so far as that "the value 84 [is] for the type of content indicated by the key" wherein the key is as specified in the SMPTE Metadata dictionary, e.g. UMID. The Applicants submit, however, that UMID, as taught in

Chadwick, is no value indicative of a container length but an identifier allowing for universally identifying media.

The Applicants already pointed out in the previous response, that Chadwick describes universal media identifier (UMID)/location table providing location of essence wherein fields in the UMID/location table include a key column comprising the UMID and location fields **indicating the location universally**, i.e., by a Universal Resource Locator (URL) or a Universal Resource Identifier (URI). However, that is now what is being claimed by the invention of the Applicants.

In contrast to the teachings of Chadwick, the Applicants teach and claim, at least in part, KLV back-pointer items recorded in the following of preceding data containers of variable length and allowing for quick access to said preceding data containers. That is, in the invention of the Applicants, as taught and claimed by recording KLV back-pointer items behind preceding data containers, the invention of the Applicants allow for back-pointing by enablement of at least the claimed technical feature of, "recording a value indicative of the container length of the preceding data container", of claim 1 which results in a very compact relative representation of the back-pointer compared to universal location indication as taught in Chadwick.

The Applicants submit that Chadwick is not suited for incorporating exploitation of this advantage of relative pointers as, in contrast to the invention of the Applicants, Chadwick teaches storing essence, metadata and UMID/location information in different and separate storage structures. The Applicants would like to emphasise once more the argument that according to Chadwick, the key is a unique 16 byte universal label **specified in the SMPTE Metadata dictionary**. For additional details of KLV metadata Chadwick refers to the publication entitled "Material Exchange Format (MXF): MXF Generic Container Format (Proposed SMPTE Standard)", filename: mxf7b-p5-b1-gc.doc (Jul. 30, 2001) and the "Material Exchange Format (MXF): Format Specification (Proposed SMPTE Standard)" (Chadwick: col. 3, l. 60-62, and col. 3, l. 65 – col. 4, l. 5). Chadwick remains silent regarding any extension of key specification beyond the SMPTE Metadata dictionary. Instead, definition of metadata objects according to SMPTE dictionary is also stressed by Chadwick in col. 8, l. 54-56.

However, the Applicants submit that at the time the Applicants' invention was conceived, the SMPTE Metadata dictionary did not specify any unique 16 byte universal label indicative of any pointer, particularly no label or

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"key indicative of a back-pointer",

as taught in the Applicants' Specification and claimed by at least the Applicants' claim 1, was specified by the SMPTE Metadata dictionary. The Applicants further submit that none of the publications referred to by Chadwick specify any such pointer, particularly no back-pointer, indicating key as taught in the Applicants' Specification and claimed by at least the Applicants' claim 1.

Therefore, the Applicants submit that the technical features of the Applicants' claimed invention, and specifically at least the Applicants' claim 1, which are not mentioned by Chadwick cannot be suggested by Chadwick alone or in view of common knowledge, which renders the Applicants' invention, at least as claimed in claim 1, novel and non-obvious over Chadwick even in view of common knowledge.

Therefore and for at least the reasons recited above, the Applicants submit that Chadwick fails to disclose each and every element of the Applicants' claimed invention, and, specifically, "recording, using said video recorder, a key indicative of a back-pointer", and, "recording, using said video recorder, a value indicative of the container length", arranged as in at least the Applicants' claim 1, as required for anticipation.

Therefore, the Applicants submit that for at least the reasons recited above, the Applicants' claim 1 is not anticipated by the teachings of Chadwick, and, as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Likewise, the Applicants' independent claim 4 claim similars relevant features, as claimed in the Applicants' claim 1. As such, the Applicants submit that claim 4 is also not anticipated by the teachings of Chadwick, and, as such, fully satisfies the requirements of 35 U.S.C. § 102 and is patentable thereunder.

Furthermore, the Applicants' dependent claims 2-3 and 5 depend either directly or indirectly from the Applicants' independent claims 1 and 4 and recite additional features thereof. As such, the Applicants submit that at least because the Applicants' claims 1 and 4 are not anticipated by the teachings of Chadwick, the Applicants further submit that the Applicants' dependent claims 2-3 and 5, which depend either directly or indirectly from the Applicants' claims 1 and 4, are also not anticipated by the teachings of Chadwick, and, as such, fully satisfy the requirements of 35 U.S.C. § 102 and are patentable thereunder.

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The Applicants reserve the right to establish the patentability of each of the claims individually in subsequent prosecution.

Conclusion

Thus the Applicants submit that none of the claims, presently in the application, are anticipated under the provisions of 35 U.S.C. § 102. The Applicant further submits that all of the Applicant's claims now pending in the applications comply with the provisions of 35 U.S.C. § 101. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.
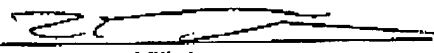
If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

No fee is believed due. However, if a fee is due, please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

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